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IN THE

# Supreme Court of the United States

October Term, 1984

No. ———

BRIGGS TRANSPORTATION COMPANY,

*Petitioner,*

vs.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, *et al.*,

*Respondents.*

## BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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## BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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This Brief is submitted on behalf of the Respondents International Association of Machinists and Aerospace Workers, AFL-CIO, and its affiliated local unions (Machinists) made parties defendant and properly served in the proceedings below. The Petitioner seeks a writ of certiorari to review a judgment of the Eighth Circuit Court of Appeals, filed July 17, 1984, which affirmed the District Court's refusal to enjoin a lawful economic strike and picketing engaged in by the International Brotherhood of Teamsters, Chauffeurs, Ware-

housemen and Helpers of America, and certain other named defendants (Teamsters).

It is apparent from the pleadings below, the argument and admissions of counsel for the Briggs Transportation Company (Briggs) that the Machinists have never engaged in, or threatened to engage in any strike or picketing activity. The Petitioner, therefore, seeks approval of a *prospective* injunction against the Machinists. Briggs, however has set forth neither facts nor case law to support its request for a prospective injunction against the Machinists.

## CONCLUSION

Briggs has utterly failed to comply with the provisions of Rule 17 of the Rules of the Supreme Court of the United States with respect to its request that the decision of the Eighth Circuit Court of Appeals to refuse to issue a prospective injunction against the Machinists should be reviewed. The Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit should be denied.

Dated: September 26, 1984.

Respectfully submitted,

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